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April 3, 2022

VIA ECF

Honorable Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Moore, et al. v. Rubin, et al.*, No. 1:17-cv-06404-BMC
Federal Rule of Civil Procedure ("Rule") 15 Motion

Judge Cogan:

I represent Plaintiffs in the above-referenced matter. As noted in the April 2, 2022, Jury Charge Conference, I write regarding Plaintiffs' Rule 15 Motion. All Plaintiffs renew their Rule 15 Motion to include assault and battery claims in an amended complaint for all tort claims which accrued no later than June 5, 2014, applying the extended statute of limitations for sexual abuse claims provided under N.Y. C.P.L.R. 213-c, against Defendant Rubin.

As the Court is aware, Plaintiffs March 29, 2022, Rule 15 Motion (Dkt. No. 385) was denied. Plaintiffs no longer seek to amend the complaint to include forced labor claims under 18 U.S.C. § 1589.

Plaintiffs Rule 15 Motion is appropriate as Defendants – arguing Plaintiffs' claim under 18 U.S.C. § 1591 must be dismissed because "[s]uch withdrawal of consent may support the charge of assault or another common law claim, but not [18 U.S.C. §] 1591" (Dkt. No. 394-1 at 16) (emphasis added) – continue to implicitly consent that evidence at trial has raised these tort claims.

Respectfully submitted,



John G. Balestriere

cc: Counsel of record (via ECF)